

THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

Address: 6 Xi Tu Cheng Lu, Haidian, Beijing

Post Code: 100088

Applicant:	GOOGLE, INC.	Date of Notification: Date: <u>19</u> Month: <u>06</u> Year: <u>2009</u>
Attorney:	FU JIANJUN	
Application No.:	200480033436.5	
Title of the Invention:	GENERATING INFORMATION FOR ONLINE ADVERTISEMENTS FROM INTERNET DATA AND TRADITIONAL MEDIA DATA	

Notification of the Second Office Action

- ☒ The examiner received the response submitted by the applicant on May. 08, 2008 to the First Office Action and further examination as to substance has been carried out on the above-identified patent application for invention on this new basis.
 - ☐ According to the Reexamination Decision made by the Patent Reexamination Board of the Patent Office on _ examination as to substance on the above-identified application has been resumed.
 - ☐ _____
- ☐ The amendments submitted by the applicant on _____ do not comply with the provision of Rule 51 Paragraph 3 of the Implementing Regulations.
- Further examination as to substance has been carried out based on the documents as specified below:
 - ☐ The amended application documents attached to the response to the previous Office Action.
 - ☒ The application documents based on which the previous examination was carried out and the replacement pages attached to the response to the previous Office Action.
 - ☐ The application documents based on which previous examination was carried out.
 - ☐ The application documents confirmed by the Reexamination Decision.
 - ☐ _____
- ☒ No further reference documents are cited in this Office Action.
 - ☐ Below is/are the reference document(s) cited in this Notification:

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or the filing date of conflicting application)
		—
		—
		—

5. Conclusions of the Action:

☐ On the Description:

- ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
- ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
- ☐ The amendments to the description do not comply with Article 33 of the Patent Law.
- ☐ The draft of the description does not comply with Rule 18 of the Implementing Regulations.
- ☐ _____

☒ On the Claims:

- ☐ Claim(s) _____ does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
- ☐ Claim(s) _____ does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
- ☐ Claim(s) _____ does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
- ☐ Claim(s) _____ is/are not patentable under Article 25 of the Patent Law.

- ☐ Claim(s) _____ does/do not comply with Article 26 paragraph 4 of the Patent Law.
- ☐ Claim(s) _____ does/do not comply with Article 31 paragraph 1 of the Patent Law.
- ☒ Claim(s) 1-32 does/do not comply with Article 33 of the Patent Law.
- ☐ Claim(s) _____ does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
- ☐ Claim(s) _____ does/do not comply with the provisions of Rule 13 paragraph 1 of the Implementing Regulations.
- ☐ Claim(s) _____ does/do not comply with the provisions of Rule 20 of the Implementing Regulations.
- ☐ Claim(s) _____ does/do not comply with the provisions of Rule 21 of the Implementing Regulations.
- ☐ Claim(s) _____ does/do not comply with the provisions of Rule 22 of the Implementing Regulations.
- ☐ Claim(s) _____ does/do not comply with the provisions of Rule 23 of the Implementing Regulations.
- ☐ _____
- ☐ The divisional application does/do not comply with Rule 43 paragraph 1 of the Implementing Regulations.

Please refer to the text portion of the Office Action for details.

6. In view of the conclusions set forth above, the Examiner is of the opinion that:

- ☐ The applicant should make amendments to the application documents as directed in the text portion of the Notification.
- ☐ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification; otherwise, the application will be rejected.
- ☒ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.
- ☐ _____

7. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 2 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
- (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law and Rule 51 of the Implementing Regulations. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
- (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
- (4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

8. This Notification contains a text portion of 2 pages and the following attachments:

- ☐ 0 cited reference(s), totaling 0 pages.
- ☐ _____

Examiner: **MA Meihong**

Date: 1 Month: 6 Year: 2009

Examination Dept.

**Patent
Examination
Cooperation
Center of
SIPO**

Seal of the Examination
Department

Text Portion of the Notification of the Second Office Action

1. The applicant added the following technical features into the amended claim 1: at least a second plurality of search results corresponding to the search query, wherein the generated ads are maintained as distinct from the second plurality of search results on the search result page and wherein the second plurality of search results is a predetermined number. However, the original application documents only recite: generating one or more sets of search results, wherein that there includes a second plurality of search results is not revealed; moreover, the content of its relation with the ads and the content that it is a predetermined number is also not disclosed. The above features are not recited in the initial application documents, nor can it be determined directly and unambiguously from the contents recited in the initial application documents. Therefore, the above amendment goes beyond the scope of disclosure contained in the initial application documents, and thus the claim does not comply with the provisions of Article 33 of the Chinese Patent Law.

The contents further defined in dependent claims 6 and 12 relate to the predetermined number of the second plurality of search results; while the above contents are not recited in the application documents originally disclosed, nor can they be determined directly and unambiguously from the original documents. Claim 7 relates to the generating of the two search result; claims 8-10 relate to a search score; while the contents are not recited in the original application documents, either; nor can they be determined directly and unambiguously from the original documents. Therefore, the above amendments go beyond the scope of disclosure contained in the initial application documents, and thus the claims do not comply with the provisions of Article 33 of the Chinese Patent Law. Besides, dependent claims 2-5, 13 and 16 refer to claim 1, and thus also go beyond the scope of disclosure contained in the initial application documents, and thus the claims do not comply with the provisions of Article 33 of the Chinese Patent Law.

Similarly, the amendments made to independent claim 17 and dependent claims 18-32 also go beyond the scope of disclosure contained in the initial application documents, and thus the claims do not comply with the provisions of Article 33 of the Chinese Patent Law, either.

2. Besides, it should be reminded that, even if the applicant amends the claims to the original version, the present application still has the following defects:

The original claim 1 seeks to protect a method for generating information for an online advertisement, which generates search results using a search query and an index of advertiser Web page information, and generates landing page information and ad creative information using a corresponding research result. Although the solution uses networks and computers, performs searching using the networks, it does not bring any improvement to the inner performance of the commonly known apparatus; nor does it bring any technical improvements to the constitution or function of the above commonly known apparatus. The problem to be solved by the solution is to generate ads using network searching, to obtain ad creative information, so as to help the advertiser to initiate advertisement issuance easily using an online advertisement server. What is solved is not a technical problem, nor does it adopt any technical means or obtain any technical effects. Therefore, the claim does not comply with the provisions on definition of invention as stipulated by Rule 2 paragraph 1 of the Implementing Regulations of the Chinese Patent Law, and thus belongs to subject matters excluded from patent protection. Similarly, dependent claims 2-6 that refer to claim 1 also do not comply with the provisions on definition of invention as stipulated by Rule 2 paragraph 1 of the Implementing Regulations of the Chinese Patent Law, and thus belong to subject matters excluded from patent protection.

The original claim 29 seeks to protect an apparatus for generating information for an online advertisement, which generates search results using a search query and an index of advertiser Web page information, and generates landing page information and ad creative information using a corresponding research result. Although the solution uses networks and computers, performs searching using the networks, it does not bring any improvement to the inner performance of the commonly known apparatus; nor does it bring any technical improvements to the constitution or function of the above commonly known apparatus. The problem to be solved by the solution is to generate ads using network searching, to obtain ad creative information, so as to help the advertiser to initiate advertisement issuance easily using an online advertisement server. What is solved is not a technical problem, nor does it adopt any technical means or obtain any technical effects. Therefore, the claim does not comply with the provisions on definition of invention as stipulated by Rule 2 paragraph 1 of the Implementing Regulations of the Chinese Patent Law, and thus belongs to subject matters excluded from patent protection. Similarly, dependent claims 30-34 that refer to the original claim 29 also do not comply with the provisions on definition of invention as stipulated by Rule 2 paragraph 1 of the Implementing Regulations of the Chinese Patent Law, and thus

belong to subject matters excluded from patent protection.

For the above reasons, the present application cannot be granted patent rights for that the amendments go beyond the scope of disclosure; moreover, there is no other patentable substantive content recited in the description of the present application. Therefore, even if the applicant amends the application documents, the application still has no prospect to be granted patent rights. If the applicant fails to state convincing arguments within the time limit of response as specified in this notification, the application shall be rejected.

The examiner: MA Meihong

Code: 9553